

ORIGINAL

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4/29/02
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ELLEN RESH-CHEVILLAR,

Plaintiff

v.

LBS DEVELOPMENT COMPANY,

Defendant

: CIVIL ACTION

:
:
:

: NO. 00-CV-1238

:
:
:

: JURY TRIAL DEMANDED

Judge Kane

**FILED
HARRISBURG**

APR 26 2002

MARY E. D'ANDREA, CLERK
Per MB
DEPUTY CLERK

PETITION TO WITHDRAW A BILL OF COSTS

COMES NOW, LBS Development Company, by and through its attorneys, Caldwell & Kearns, and files the within Petition to Withdraw a Bill of Costs, and in support thereof avers the following:

1. The above-captioned matter was commenced on July 12, 2000.
2. The case was subsequently dismissed pursuant to a Motion for Summary Judgment filed by the Defendant, LBS Development Co.; the Court's Order was filed on August 1, 2001..
3. Subsequent to dismissal of the Plaintiff's claims, the Defendant filed a Petition for Costs, pursuant to F.R.C.P. 54 (d)(1).
4. This Honorable Court subsequently assessed the requested costs.
5. On August 23, 2001, the Plaintiff appealed to the decision of Judge Kane that had dismissed Plaintiff's claims.
6. The case was resolved by and between the parties, prior to briefing the issues, pursuant to a


Settlement Agreement, dated March 8 and March 20, respectively, and a Stipulation for dismissal filed with the Third Circuit Clerk's office on or about April 1, 2002.

7. As part of the settlement between the parties, the defendant agreed to forego the costs which had previously been assessed against the Plaintiff by the Clerk of this Court.
8. Due to settlement reached by the parties, the Defendant has waived its claim to the costs previously assessed.

WHEREFORE, the Defendant, LBS Development Company, respectfully requests that this Honorable Court grant its Petition to Withdraw a Bill of Costs previously assessed, and to order the Clerk to mark the above-captioned action settled and discontinued.

Respectfully submitted,

CALDWELL & KEARNS



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Attorney ID# 27115

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(717) 232-7661

Attorneys for Defendant, LBS Development Co.

Dated: 4-23-02

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

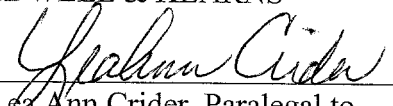
ELLEN RESH-CHEVILLAR,	:	CIVIL ACTION
	:	
Plaintiff	:	
	:	
v.	:	NO. 00-CV-1238
	:	
LBS DEVELOPMENT COMPANY,	:	
	:	
Defendant	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2002, I served a true and correct copy of the foregoing document upon the person indicated below, by depositing same in the United States mail, first-class postage prepaid at Harrisburg, Pennsylvania, addressed as follows:

J. Michael Considine, Jr., Esquire
22 North Walnut Street
Suite 202
West Chester, PA 19380

CALDWELL & KEARNS

By: 
Lea Ann Crider, Paralegal to
Douglas E. Herman, Esquire
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(717) 232-7661

Dated: 4/23/02